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Via Overnight Mail and Electronic Delivery

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 13-5, *Technology Transitions*; GN Docket No. 12-353, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*; WC Docket No. 05-25, *Special Access for Price Cap Local Exchange Carriers*

Dear Chairman Wheeler:

GC Pivotal, LLC d/b/a Global Capacity ("Global Capacity") supports the ongoing efforts of the Federal Communications Commission to preserve and to promote competition within the telecommunications marketplace. There are two keys to the protection and promotion of competition: ensure the use of IP technologies is not used to diminish competitive opportunities and ensure continued availability of all types of cost-efficient facilities for communications and broadband, including copper. We urge the Commission to move forward in these proceedings to eliminate uncertainty in the marketplace.

Global Capacity has a unique value proposition and business model than other carriers. Global Capacity, through the use of its One Marketplace platform, efficiently provides competitive alternatives to business locations to ensure that its customers and partners obtain the most cost-effective connections for data connectivity. Today, we provide connectivity services in all 50 states, including providing services in 20 largest markets in the country; have approximately 490 Wholesale, ASP, and Service Providers customers, 17,000 commercial customers; 4,543 last mile interconnections; own the largest ADSL nationwide network in the country, which spans 2,007 central offices and 41 Points of Presence, and through this aggregated connectivity model, pass by 9.6 million buildings across the country. Our customers span the entire spectrum of size from the single site small businesses to multi-billion multi-site businesses, application service providers, wholesale partners, and communication carriers. We strive to provide connectivity on a technology agnostic basis and, instead, focus on the broadband needs of our customers and partners. We currently have 437 employees, with major offices in Waltham, Chicago, San Jose, Denver, and Manchester, UK.

Because of our business model, we know that a competitive communications market from end to end, including the "last mile" connection, creates cost and efficiency savings and provides improved service; both of which are very important to our company and our customers. Competition contributes to industry growth, new jobs, and typically results in cost savings and convenience for the consumer. This is particularly true in the business consumer markets, irrespective of the size, location, or number of customers. If the incumbent's last mile connection is the most cost-effective facility to meet an end user's needs, then Global Capacity uses that connection to either allow interconnection to our customer's or partner's facilities or network for data connectivity, or provides internet access over that connection. Without competitive access to these connections, the monopoly once held by the incumbent providers over the business market



would be restored and our ability to obtain cost-effective connections, regardless of the technology would be significantly hampered.

To that end, we urge the Commission to continue down the road of promoting competition that resulted in the evolution of expansion of broadband technologies various mediums of facilities, including copper, coax, fiber, and wireless backhaul. IP technology, in and of itself, is not new – the competitive industry developed and utilized this technology over the past several years. The key, however, to promoting the expanded use of IP technology is to enable providers to enable IP services over any type of existing or new facilities, which necessarily includes copper used today. Global Capacity, as many other carriers, has invested millions of dollars in equipment to provide such services and we utilize our network, as well as facilities from incumbents, competitive carriers, cable companies, and other facility providers. As a result, our view is that all underlying facilities should be available as alternatives to our customers and partners, including copper, coax, cable, fiber, or other mediums. We urge the Commission to ensure that by formally expanding the transition and use of IP technologies, it does not detrimentally impact the competitive framework available today under the federal Telecommunications Act of 1996 which promotes the use of all forms of facilities, irrespective of the technology.

Global Capacity also urges the Commission to provide guidance to ensure that copper networks are not “retired” simply as a means to eliminate our ability to provide competitive cost-efficient alternatives for our customers and partners. The copper last mile is an important commodity – even with the expansion of the use of IP technology. Therefore, the Commission should ensure that any copper retirement by the incumbents is subject to specific criteria and review to enable connectivity providers, such as Global Capacity, to have a meaningful role in determination of the future of the copper facilities. Global Capacity submits that broadband services provided over copper will be a much-needed component in the evolution of machine-to-machine technologies and in the continued evolution of the Internet of Things.

Thank you for considering this letter of support in the next important step of the evolution of the communications industry. The steps should not thwart competition and, instead, should provide all providers with the ability to provide the most cost-effective and efficient broadband services to all customers. Global Capacity looks forward to working with the Commission to ensure that its goal of promoting competition and cost-efficiency moves forward.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katie", written over a horizontal line.

Katherine K. Mudge
EVP & General Counsel

cc: Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O’Rielly
Jonathan Sallet
Matthew DelNero